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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,464	02/22/2002	Paul N. Dunlap	L00-079A	1062
26683	7590	06/03/2004	EXAMINER	
THE GATES CORPORATION IP LAW DEPT. 10-A3 1551 WEWATTA STREET DENVER, CO 80202			JACKSON, MONIQUE R	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,464	DUNLAP, PAUL N.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Monique R Jackson	1773	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/02, 9/02, 4/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Invention II, Claims 17-24 in the paper filed 3/22/04 is acknowledged. The traversal is on the ground(s) that the two inventions are so closely intertwined as to lack distinctiveness from one another and consideration of the claims together would be much more efficient. This is not found persuasive because the inventions have been shown to be distinct for the reasons previously recited wherein the product can be produced by a materially different process.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the paper filed 3/22/04.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake et al (USPN 5,300,569.) Drake et al teach an uncured adhesive elastomeric composition useful for improving the bonding of elastomers to other elastomers or to metals wherein the elastomeric composition comprises an unsaturated polymeric dicarboxylic acid or derivative adduct to improve adhesion and an elastomer wherein the elastomer may be a sulfur-curable elastomer

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such as styrene butadiene rubber, polybutadiene rubber, acrylonitrile butadiene rubber, polychloroprene rubber, or it may be an elastomer that is cured with peroxide catalyst or other such free radical producing catalysts such as ethylene propylene rubber, ethylene propylene diene rubber, natural rubber and fluorosilicone rubber (Col. 6, line 31-Col. 7, line 22.) The composition further comprises at least one curative such as sulfur and sulfur donors, peroxides, and cure rate accelerators such as TBBS or TMTD, and may further include additives such as cure rate enhancers or inhibitors (Col. 4, line 57-Col. 5, line 65.) Drake et al teach that extra amounts of curing agent including sulfur, thiazoles, thiurams, sulfonamides, dithiocarbamates and xanthates can improve the tensile strength and other physical properties of the cured adhesive elastomers (Col. 11, line 48-Col. 12, line 5.) Drake et al also teach that a film of the elastomeric composition can be utilized to bond metal substrates to metal substrates and subjected to a vulcanization step and that the elastomer composition is useful in various applications such as for bonding steel to tire cord, in hydraulic hoses, for bonding of rubber to metal inserts for seals and for the metal to elastomer interface in shock mounts and other elaborately engineered metal to elastomer items (Col. 4, lines 47-66.)

5. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ravagnani et al (USPN 4,239,663.) Ravagnani et al teach a method of providing improved rubber-to-metal adhesion and the product produced wherein p-aminobenzoic acid or cobalt salt of p-aminobenzoic acid is mixed into a rubber composition, the composition is brought into contiguous relationship with a metal member in an unvulcanized product and then the product is vulcanized to yield a cured end product (Abstract.) The rubber composition comprises a vulcanizable rubber such as natural rubber, synthetic rubbers, polyisoprene, polybutadiene,

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copolymers of butadiene and styrene, and blends thereof, and further comprises a sulfur/oil blend for curing, cure accelerators, reinforcing carbon black, and other compounding ingredients customarily employed in the rubber compounding art such as pigments, accelerators, vulcanizing agents, etc. (Col. 6, line 52-Col.7, line 40.) Ravagnani et al teach that the rubber composition may be utilized to adhere several metal wires embedded in the composition such as in producing metal wire reinforced or braided hose, or utilized to produce rubber printing rolls, power belts and wherever it is desired to secure rubber to plated or unplated metal to provide a flexible and strong bond between the same (Col. 5, line 65-Col.6, line 22; Col. 7, line 41-51; Col. 8, lines 4-18; Examples.) With respect to Claim 20, the Examiner notes that Claim 20 does not positively recite ethylene-alpha olefin elastomer as the selected elastomer in the claimed article and hence Ravagnani et al reads on the instant claim given that Ravagnani et al teach other elastomers as recited in Claim 19.

6. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagel (USPN 5,776,294.) Nagel teaches peroxide-cured elastomers comprising metal salts of unsaturated carboxylic acids to provide improved adhesion to metals and other polar surfaces wherein the elastomer composition comprises a curable elastomer such as natural rubber, polybutadiene rubber, ethylene propylene rubber, styrene butadiene rubber, silicone elastomers, vinyl acetate ethylene copolymers, and chlorinated polyethylene rubber; a vulcanizing agent that decomposes to produce free radicals; the metal salt of an acrylic or methacrylic acid crosslinking coagent; a vulcanization inhibitor; and other conventional additives; wherein the elastomer composition may be placed between two polar surfaces, such as two surfaces of metal like cold rolled steel, stainless steel, brass, zinc or aluminum, to bond the surface together under pressure and heat

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(Col. 3-Col. 8.) Nagel also teaches that products produced from the elastomer composition include belts and rubber rolls (Col. 7, line 57-Col. 8, line 24.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
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May 26, 2004